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Marc V. Richards, Reg. No. 37,921

Name of applicant, assignee or  
Registered Representative

*Marc V. Richards*

Signature

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PATENT

Atty. Case No. 10786/5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Scott A. IDLAS

Serial No. 09/652,591

Filed: August 30, 2000

For: IRRADIATED BIAXIALLY  
ORIENTED FILM

Examiner: M. Jackson

Art Unit: 1773

SECOND AMENDMENT

AND REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION  
OR, IN THE ALTERNATIVE, REQUEST FOR CONTINUED EXAMINATION

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Arlington, VA 22313-1450

Dear Sir:

This Amendment is in response to the Office Action mailed December 4, 2002 (Paper No. 10). The Applicant respectfully requests entry of the below amendments and new

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claims, and reconsideration of the objections and rejections in view of these amendments and the following remarks. As a result of the amendments and new claims, Claims 1-46 and 48-100 are pending. Claim 47 has been canceled, claim 94 has been amended and new claim 100 added.

In addition, Applicant reports that on January 29, 2003, the undersigned attorney had a telephone conversation with Examiner Jackson to discuss the impropriety of the finality of the Office Action mailed December 4, 2002, under MPEP 706.07(a). The undersigned attorney pointed out that in the Office Action the Examiner included a rejection based on newly cited art, Tsukamoto et al. (US 6,063,462), that was neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement. Examiner Jackson agreed that the Office Action was improperly made final and that the finality would be withdrawn upon filing of an Amendment or Response. Examiner Jackson also advised the undersigned to reference this conversation in the response to the Office Action. Applicants have relied upon the Examiner's statement in the timing of the filing of this response.

To the extent that the Examiner is now unable to withdraw the finality of the rejections made in the last Office Action, applicant hereby requests continued examination under 37 CFR § 1.114. Applicant authorizes the Commissioner to charge the fee under 37 CFR § 1.17(e) to Deposit Account No. 23-1925. A duplicate copy of this paper is attached.